

PROB 12C
(7/91)

United States District Court

for the

Eastern District of Washington

Report Date: July 23, 2013
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 23 2013

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Stephen B. Kirk

Case Number: 2:96CR02021-001

Address of Offender:

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 1/17/1997

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 210 Months;
TSR - 60 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Pamela J. Byerly

Date Supervision Commenced: 10/12/2012

Defense Attorney: Roger Peven

Date Supervision Expires: 10/11/2017

PETITIONING THE COURT

To Issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1 and 2	<u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.
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Special Condition # 20: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Kirk is considered in violation of his conditions of supervised release by committing new crimes and consuming alcohol.

Incident reports completed under case number 13-242412 by the Spokane Police Department state the following: On July 21, 2013, Stephen Kirk entered apartment #1, located at 525 W. Sinto, Spokane, Washington, without the permission of the occupants and was armed with a sword measuring approximately 3 feet long. After entering the apartment, Mr. Kirk informed those present that he was looking for "Timothy" and "Stephanie," and was going to "chop someone's head off" stating "I mean business, I'm real." Mr. Kirk was informed that Stephanie and Timothy were not there, at which time he left the residence. The occupants of the apartment noted that Mr. Kirk was heavily intoxicated at the time, and that when Mr. Kirk gets drunk, he walks around the building threatening people with a knife.

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Mr. Kirk was arrested by Spokane police on July 22, 2013, and booked into the Spokane County Jail on charges of first degree burglary (with a deadly weapon) and harassment (threats to kill). After being advised of his rights, Mr. Kirk informed officers he "doesn't remember much," and informed officers he had consumed five "Mikes."

- 3 **Special Condition # 15:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Information provided by ADEPT treatment services notes that Mr. Kirk failed to appear for a random urinalysis as scheduled on July 22, 2013.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/23/2013

s/Shawn Kennicutt

Shawn Kennicutt
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

7/23/13
Date